IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1226 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14/07/2003 in WP NO : 19570 OF 2002 on the file of the High Court.)

Between:

Kure Maheswara Reddy, S/o Ramakoti Reddy,
Age. 51 years, Occ: Cultivation, R/o Utasamudram,

Chintalapudi Mandal,

West Godavari District.

..... APPELLANT

AND

1 A.P.Eastern Power Distribution Corp.Ltd.,

rep.by its Superintendent Engineer,
Operation at Eluru, West Godavari District.
2 The Asst.Divisional Engineer, Construction-cum-Operation,
A.P.Eastern Power Distribution Corp.Ltd.,

Kamavarapukota, West Godavari District.
3 The Asst.Additional Engineer (AAE),

A.P.Eastern Power Distribution Corp.Ltd.,
Chintalapudi, West Godavari District.

.....RESPONDENTS

Counsel for the Appellant: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents : MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following :

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Order: (Per Sri BRSR.J)

We have heard the learned counsel for the appellant and Sri Kanakamedala Ravindra Kumar, learned standing counsel appearing on behalf of the respondents and at their request the matter is taken up for final disposal.

The respondents herein having inspected the service connection of the appellant herein found that he had indulged in an act of pilferage and accordingly estimated the value of the pilfered energy at Rs.6,666/-The respondents have also imposed a sum of Rs.4,000/- as compounding fees for compounding the offence vide impugned letter dated 20.8.2002 issued by the 2nd respondent.

It is a case where the appellant himself admitted that for some reasons beyond his control, he had resorted to and drawn power unauthorisedly. The action on the part of the respondents in initiating appropriate action against the appellant herein cannot be found fault with. But the circumstances in this particular case do not warrant imposition of huge amount of Rs.4,000/- as compounding fees for compounding the offence. Interests of justice would be met by imposing the compounding fee at Rs.500/- instead of Rs.4,000/- which in the circumstances is reasonable.

For the aforesaid reasons, the order of the learned Single Judge is modified directing the respondents to supply power to the petitioner subject to the condition of the petitioner paying the amount of Rs.6666/- towards the cost of pilfered energy together with a further sum of Rs.500/- as compounding fee. This payment by the appellant shall put an end to all the claims of the respondents.

Having regard to the very peculiar facts and circumstances of the case, we have taken such a view, which shall not operate as precedent. The appellant herein

shall file an appropriate application for shifting of the meter, which shall be duly considered by the respondents herein in accordance with law.

Writ Appeal is accordingly disposed of.

(B.SUDERSHAN REDDY,J)

DT.29..07..2004

(K.C.BHANU,J)

msv.

DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Superintendent Engineer, A.P.Eastern Power Distribution

Corp.Ltd., Operation at Eluru, West Godavari District.
2 The Asst.Divisional Engineer, Construction-cum-Operation,
A.P.Eastern Power Distribution Corp.Ltd.,

Kamavarapukota, West Godavari District.
3 The Asst.Additional Engineer (AAE),

A.P.Eastern Power Distribution Corp.Ltd.,
Chintalapudi, West Godavari District.

4 Two CD copies.